

## **Imposing a Term of Supervised Probation *G.S. 15A-1342 and 15A-1343.2(d)***

Unless the court makes a specific finding that a longer or shorter term of probation is necessary, the court shall impose a term of supervised probation which is not less than 12 months and not more than 24 months. In no instance, however, can the length of probation exceed five years. The court may also delegate certain powers to the Division of Community Corrections as described in **Part III**.

## **Selecting Intermediate Punishments/Setting Lengths *G.S. 15A-1340.11(6)***

For an intermediate punishment, at least one of the following conditions of probation must be imposed:

1. Special Probation. The active portion of special probation cannot exceed one-fourth of the term of imprisonment imposed for the misdemeanor offense. Following release from the active portion of the sentence, the offender must serve the remaining period of probation. (This is sometimes referred to as a split sentence.)
2. Residential Program. The length of assignment to a residential program is in the discretion of the court. The length can be less than, but not greater than, the total term of probation imposed. The current average stay in a residential program is from 10 months to two years depending on the specific program. Following release from the residential program, the offender must continue to serve any remaining period of probation.<sup>1</sup>
3. House Arrest with Electronic Monitoring. The length of assignment to house arrest with electronic monitoring is in the discretion of the court. The length can be less than, but not greater than, the total term of probation imposed. The current average length of house arrest with electronic monitoring is 3.4 months. Following completion of house arrest with electronic monitoring, the offender must continue to serve any remaining period of probation.
4. Intensive Supervision. The length of intensive supervision is in the discretion of the court. The length can be less than, but not greater than, the total term of probation imposed. The current average length of intensive supervision is from six to nine months. Following completion of intensive supervision, the offender must continue to serve any remaining period of probation.
5. Day Reporting Center. The length of assignment to a day reporting center is in the discretion of the court. The length can be less than, but not greater than, the total term of probation imposed. Following completion of the assignment to the day reporting center, the offender must continue to serve any remaining period of probation.
6. Drug Treatment Court Program. (Effective July 26, 2004). The length of assignment to a drug treatment court program is approximately one year. To graduate, the offender must successfully complete all phases of clinical treatment, receive clean drug screens during the prior 4 to 6 months, be employed, be paying regularly towards his/her legal

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<sup>1</sup> The IMPACT program (boot camp) was originally a form of special probation; the length of the active sentence was normally 90 days and could not exceed 120 days. The IMPACT program became a residential program effective December 1, 1998. The IMPACT program was closed effective August 15, 2002.